



State of Utah

Department of
Environmental Quality

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DIVISION OF AIR QUALITY
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DAQ-020-06

MEMORANDUM

TO: Air Quality Board

THROUGH: Richard W. Sprott, Executive Secretary

FROM: Mat Carlile, Rules Coordinator

DATE: March 22, 2006

SUBJECT: Five-Year Review: R307-204, Emission Standards: Emission Standards: Smoke Management.

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a); listed on the attached form. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

In an earlier item in the packet the Board is asked to adopt changes to R307-204. Staff have reviewed R307-204 and determined that it meets the requirements of 63-46a-9(3)(a). The review of R307-204 is due on July 4, 2006.

Recommendation: Staff recommends that the Board continue R307-204 by approving the attached form to be filed with the Division of Administrative Rules.